

FILED

SEP 26 2011

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
11-SO-01

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY 301 DEP CLK

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Re: Petitions for Retroactive Application)
of November 1, 2011 Amendment to)
Crack Cocaine Offense Level Guidelines)
)

STANDING ORDER

Pursuant to the provisions of the Criminal Justice Act, Title 18, USC §§ 3006A(a)(1) and (c), the Office of Federal Public Defender for the Eastern District of North Carolina is hereby appointed to represent any defendant previously determined to have been entitled to appointment of counsel or who is now indigent or files a motion seeking relief, or whose name appears on lists supplied by the United States Sentencing Commission or the Administrative Office of the U.S. Courts, to determine whether that defendant may qualify to seek reduction of sentence and to present any motions or applications for reduction of sentence in accordance with the revised base offense levels for crack cocaine, USSG §§ 2D1.1, and 18 U.S.C. § 3582(c)(2). This appointment is limited to cases affected or potentially affected by this retroactive amendment and, except upon motion of counsel and approval by the court, will terminate upon the district court's ruling on the merits of the defendant's § 3582(c) motion or, if this ruling is appealed, upon completion of the appellate process.

The U.S. Probation Office for the Eastern District of North Carolina is authorized to disclose Presentence Investigation Reports and Statements of Reasons to the Federal Public Defender's Office for the purpose of determining eligibility for relief, and for determining whether conflict of interest precludes the Federal Public Defender from representing the client. Should the Federal Public Defender determine that there is a prohibitive conflict in which the prospective client's interests are materially adverse to those of a current or former client with regard to representation of a particular defendant in this litigation, the Court shall be notified and the Court will consider appointing a member of the Criminal Justice Act panel of this District. The Federal Public Defender's Office shall provide the Presentence Investigation Report and Statement of Reasons to any subsequently appointed or retained counsel. The U.S. Probation Office shall also provide copies of the Presentence Investigation Reports and Statements of Reasons in these cases to the Office of

the U.S. Attorney for the Eastern District of North Carolina. In accordance with Federal Bureau of Prisons policy, no Presentence Investigation Reports will be provided to inmates.

IT IS SO ORDERED.

This 26th day of September, 2011.



Louise W. Flanagan
Chief U.S. District Judge